

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

DONALD ADAM HARMON,)	
)	
Petitioner,)	
)	
v.)	Case No. 2:20-cv-00576-LSC-GMB
)	
JOHN SAMANIEGO, et al.,)	
)	
Respondents.)	

MEMORANDUM OPINION

Petitioner Donald Adam Harmon filed *pro se* this action for a writ of habeas corpus pursuant to 28 U.S.C. § 2241, on or about April 28, 2020. (Doc. 1). The petitioner claims that the assault charges against him should be dismissed because the alleged victim has no injuries. (Doc. 1 at 17). On September 9, 2020, the Magistrate Judge entered a report and recommendation pursuant to 28 U.S.C. § 636(b) that the habeas petition be dismissed without prejudice based on the petitioner's failure to exhaust his state-law remedies. (Doc. 17). Although the petitioner was notified of his right to file objections to the report and recommendation within fourteen (14) days, no objections to the report and recommendation have been filed with the court.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the Magistrate Judge's Report and Recommendation, the court

is of the opinion that the magistrate judge's findings are due to be and are hereby **ADOPTED** and his recommendation is **ACCEPTED**. Accordingly, the petition for writ of habeas corpus is due to be **DISMISSED WITHOUT PREJUDICE** to allow the petitioner to exhaust his available state court remedies.

A separate Final Judgment will be entered.

DONE and **ORDERED** on October 9, 2020.

A handwritten signature in black ink, appearing to read 'L. Scott Coddler', is written above a horizontal line.

L. Scott Coddler
United States District Judge

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